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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/21/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/998,557

Applicant(s)

PARSA, FERAL

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-2, 7-9, 11-14, 18-20 and 22-23** are rejected under 35 U.S.C. 102(b) as being anticipated by Stabler (US 5,937,047).

Regarding **claim 1**, Stabler discloses a remote voice mail messaging and management system (column 1, lines 8-10), (which reads on claimed “a method for using a voice-messaging system to place local and long distance telephone calls”), comprising:

a voice-messaging system (column 4, line 31 “VMS”) receiving a call (column 4, line 32 “receives the call”) placed by a user (column 4, lines 31-34);

verifying that the user is a valid user (column 4, line 53 “individual user”) of the voice-messaging system (column 4, lines 52-54);

receiving from the user a request (column 4, line 45 “a function”) to place a telephone call (column 4, lines 44-47);

receiving from the user a telephone number (column 4, lines 45-46 “a seven digits telephone number”) of a third-party telephone line to be called (column 4, lines 44-47); and

placing a telephone call (column 4, line 49 "dial tone") to the third-party telephone line associated with the third-party telephone number entered by the user (column 4, lines 44-51) [The VMS sends the seven digits telephone to transfer the call to be completed].

Regarding **claims 2 and 14**, Stabler discloses the step of connecting the telephone call to the third -party telephone line if the third-party telephone line is available (column 6, lines 40-50).

Regarding **claims 7 and 18**, Stabler discloses, wherein the voice-messaging system allows the user to choose between accessing voice messages or placing a telephone call (column 4, lines 52-65).

Regarding **claims 8 and 19**, Stabler discloses, wherein the voice-messaging system directs the user back to a voice-messaging-system menu if a third-party-call connection is not established (column 4, lines 52-65).

Regarding **claims 9 and 20**, Stabler discloses, wherein the voice-messaging system directs the user back to a voice-messaging-system menu when the user enters a pre-defined signal at any step during the process of placing a call to a third party (column 4, lines 52-65).

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Regarding **claims 11 and 22**, Stabler discloses, wherein the step of connecting the telephone call to the third-party number comprises:

establishing a direct connection between the user and the third-party telephone line (column 4, lines 31-40); and

disconnecting the voice-messaging system from the call (column 4, lines 40-51).

Regarding **claims 12 and 23**, Stabler discloses during or after the call between the user and the third party, receiving a predefined signal from the user (column 4, lines 52-65); and

transferring the user back to a voice-messaging-system menu (column 4, lines 52-65).

Regarding **claim 13**, Stabler discloses a remote voice mail messaging and management system (column 1, lines 8-10), (which reads on claimed "an article of manufacture, comprising a computer-usable medium having a computer-readable program-code means (column 5, lines 16-32) embodied therein for causing a voice-messaging system (column 4, line 31 "VMS") to place local and long-distance telephone calls, the computer-readable program-code means in said article of manufacture") comprising:

computer-readable program means for causing a computer to receive a call placed by a user (column 4, lines 31-34);

computer-readable program means for causing a computer to verify that the user is a valid user (column 4, line 53 "individual user") of the voice-messaging system (column 4, lines 52-54);

computer-readable program means for causing a computer to receive from the user a request (column 4, line 45 "a function") to place a telephone call (column 4, lines 44-47);

computer-readable program means for causing a computer to receive from the user a telephone number (column 4, lines 45-46 "a seven digits telephone number") of a third-party telephone line to be called (column 4, lines 44-47); and

computer-readable program means for causing a computer to place a telephone call (column 4, line 49 "dial tone") to the third-party telephone line associated with the third-party telephone number entered by the user (column 4, lines 44-51) [The VMS sends the seven digits telephone to transfer the call to be completed].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3-6 and 15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stabler in view of Herrero Garcia et al. (US 5,187,735).

Regarding **claim 3**, Stabler as applied to **claim 1** above differs from **claim 3**, in that it fails to disclose a toll-free call from the user.

However, Herrero Garcia teaches receiving a toll-free call from the user (column 10, lines 11-19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a toll-free call from the user of Herrero Garcia in the invention of Stabler.

The modification of the invention would offer the capability of a toll-free call from the user such as the system would offer one stop full service telephone call.

Regarding **claims 4 and 15**, Stabler as applied to **claims 1 and 13** above differs from **claims 4 and 15**, in that it fails to disclose verifying a user-identification code and a password code.

However, Herrero Garcia teaches, receiving and verifying a user-identification code and a password code (column 13, lines 59-66).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use verifying a user-identification code and a password code of Herrero Garcia in the invention of Stabler.

The modification of the invention would offer the capability of verifying a user-identification code and a password code such as the system would offer one stop full service telephone call.

Regarding **claims 5 and 16**, Stabler discloses, receiving a long-distance telephone number to be called (column 4, lines 31-51).

Regarding **claims 6 and 17**, Stabler and Herrero Garcia as applied to **claims 5 and 16** above differ from **claims 6 and 17**, in that it fails to disclose a billing account.

However, Herrero Garcia teaches, wherein the user-identification code is associated with a billing account, and wherein the charges for the long-distance call are charged to the billing account (column 19, lines 5-19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a billing account of Herrero Garcia in the invention.

The modification of the invention would offer the capability of a billing account such as the system would offer one stop full service telephone call.

5. **Claims 10 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stabler in view of Jackson et al. (US 6,160,883).

Regarding **claims 10 and 21**, Stabler as applied to **claims 2 and 14** above differs from **claims 10 and 21**, in that it fails to disclose establishing a 3-way call.

However, Jackson teaches, establishing a 3-way call between the user, the voice-messaging system and the third-party telephone line (column 6, lines 58-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use establishing a 3-way call of Jackson in the invention of Stabler.

The modification of the invention would offer the capability of establishing a 3-way call such as the system would enable efficient and stable telecommunications.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson et al. is cited for an interactive electronic messaging system (FIG. 1).

Bolduc et al. is cited for an automated toll free telecommunications service (FIG. 1).

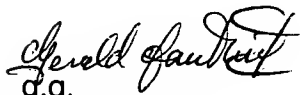
Hanson et al. is cited for an integrated telecommunications system with voice messaging (FIG. 1).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
May 18, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

